IC 4-22-2.5
Chapter 2.5. Expiration and Readoption of Administrative Rules

IC 4-22-2.5-1
Exceptions
Sec. 1. This chapter does not apply to the following:
(1) Rules adopted by the department of state revenue.
(2) Rules adopted by the department of local government finance.
(3) Rules adopted by the Indiana board of tax review.
(4) Rules adopted under IC 13-14-9 by the department of environmental management or a board that has rulemaking authority under IC 13.
(5) A rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions.
As added by P.L.17-1996, SEC.7. Amended by P.L.90-2002, SEC.10.

IC 4-22-2.5-1.1
Rules that do not expire
Sec. 1.1. (a) This section applies to the following:
(1) A rule that is required to receive or maintain:
(A) delegation;
(B) primacy; or
(C) approval;
for state implementation or operation of a program established under federal law.
(2) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.
(b) A rule described in subsection (a) does not expire under this chapter. However, an agency shall readopt a rule described in this section before January 1 of the seventh year after the year in which the rule takes effect as set forth in this chapter.
As added by P.L.146-2001, SEC.1.

IC 4-22-2.5-2
Dates for expiration
Sec. 2. (a) Except as provided in subsection (b) or section 1.1 of this chapter, an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.
(b) An administrative rule that:
(1) was adopted under IC 4-22-2;
(2) is in force on December 31, 1995; and
(3) is not amended by a rule that takes effect after December 31, 1995, and before January 1, 2002;

expires not later than January 1, 2002.
As added by P.L.17-1996, SEC.7. Amended by P.L.146-2001, SEC.2.

IC 4-22-2.5-3
Procedures for readoption
Sec. 3. (a) An agency that wishes to readopt a rule that is subject to expiration under this chapter must follow the procedure for adoption of administrative rules under IC 4-22-2.

(b) An agency may adopt a rule under IC 4-22-2 in anticipation of a rule's expiration under this chapter.

(c) An agency may not use IC 4-22-2-37.1 to readopt a rule that is subject to expiration under this chapter.
As added by P.L.17-1996, SEC.7.

IC 4-22-2.5-4
Request for separate readoption of rules
Sec. 4. (a) Except as provided in subsection (b), an agency may readopt all rules subject to expiration under this chapter under one (1) rule that lists all rules that are readopted by their titles and subtitles only. A rule that has expired but is readopted under this subsection may not be removed from the Indiana Administrative Code.

(b) If, not later than thirty (30) days after an agency's publication of notice of its intention to adopt a rule under IC 4-22-2-24 using the listing allowed under subsection (a), a person submits to the agency a written request and the person's basis for the request that a particular rule be readopted separately from the readoption rule described in subsection (a), the agency must:

(1) readopt that rule separately from the readoption rule described in subsection (a); and
(2) follow the procedure for adoption of administrative rules under IC 4-22-2 with respect to the rule.

(c) If the agency does not receive a written request under subsection (b) regarding a rule within thirty (30) days after the agency's publication of notice, the agency may:

(1) submit the rule for filing with the secretary of state under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule; or
(2) elect the procedure for readoption under IC 4-22-2.
As added by P.L.17-1996, SEC.7.

IC 4-22-2.5-5
Power of governor to postpone expiration date
Sec. 5. If a rule is not readopted before the expiration date for the rule and the governor finds that the failure to readopt the rule causes an emergency to exist, the governor may, by executive order issued before the rule's expiration date, postpone the expiration date of the rule until a date that is one (1) year after the date specified in section 2 of this chapter.
As added by P.L.17-1996, SEC.7.

IC 4-22-2.5-6
Removal of expired rules
    Sec. 6. The publisher shall remove all rules that have expired under this chapter from the Indiana Administrative Code.
As added by P.L.17-1996, SEC.7.